

## Oklahoma Statutes Citationized

### Title 59. Professions and Occupations

#### Chapter 8 - Pharmacy

#### Oklahoma Pharmacy Act

#### Section 353.24 - Additional Unlawful Acts Enumerated

Cite as: O.S. §, \_\_\_

It shall be unlawful for any person, firm or business entity to:

1. Forge or increase the quantity of drug in any prescription, or to present a prescription bearing forged, fictitious or altered information or to possess any drug secured by such forged, fictitious or altered prescription;
2. Sell, offer for sale, barter or give away any unused quantity of drugs obtained by prescription, except through a program pursuant to the Utilization of Unused Prescription Medications Act or as otherwise provided by the State Board of Pharmacy;
3. Sell, offer for sale, barter or give away any drugs damaged by fire, water, or other causes without first obtaining the written approval of the Board or the **State Department of Health**;
4. Enter into any arrangement whereby prescription orders are received, or prescriptions delivered at a place other than the pharmacy in which they are compounded and dispensed. However, nothing in this paragraph shall prevent a pharmacist or an employee of the pharmacy from personally receiving a prescription or delivering a legally filled prescription at a residence, office or place of employment of the patient for whom the prescription was written. Provided further, the provisions of this paragraph shall not apply to any Department of Mental Health and Substance Abuse Services employee or any person whose facility contracts with the Department of Mental Health and Substance Abuse Services whose possession of any dangerous drug, as defined in Section 353.1 of this title, is for the purpose of delivery of a mental health consumer's medicine to the consumer's home or residence. Nothing in this paragraph shall prevent veterinary prescription drugs from being shipped directly from an Oklahoma licensed wholesaler or distributor to a client; provided, such drugs may be dispensed only on prescription of a licensed veterinarian and only when an existing veterinary-client-patient relationship exists;
5. Sell, offer for sale or barter or buy any professional samples except through a program pursuant to the Utilization of Unused Prescription Medications Act. For purpose of this paragraph, "professional samples" means complimentary drugs packaged in accordance with federal and state statutes and regulations and provided to a licensed practitioner free of charge by manufacturers or distributors for the purpose of being distributed free of charge in such package by the licensed practitioner to a patient;
6. Refuse to permit or otherwise prevent members of the Board or such representatives thereof from entering and inspecting any and all places, including premises, equipment, contents, and records, where drugs, medicine, chemicals or poisons are stored, sold, vended, given away, compounded, dispensed or manufactured;
7. Possess dangerous drugs without a valid prescription or a valid license to possess such drugs; provided, however, this provision shall not apply to any Department of Mental Health and Substance Abuse Services employee or any person whose facility contracts with the Department of Mental Health and Substance Abuse Services whose possession of any dangerous drug, as defined in Section 353.1 of this title, is for the purpose of delivery of a mental health consumer's medicine to the consumer's home or residence;
8. Possess, sell, offer for sale, barter or give away any quantity of dangerous drugs not listed as a scheduled drug pursuant to Sections 2-201 through 2-212 of Title 63 of the Oklahoma Statutes when obtained by prescription bearing forged, fictitious or altered information.
  - a. A first violation of this section shall constitute a misdemeanor and upon conviction shall be punishable by imprisonment in the county jail for a term not more than one (1) year and a fine in an amount not more than One Thousand Dollars (\$1,000.00).
  - b. A second violation of this section shall constitute a felony and upon conviction shall be punishable by imprisonment in the Department of Corrections for a term not exceeding five (5) years and a fine in an amount not more than Two Thousand Dollars (\$2,000.00);
9. Knowingly violate a Board order or agreed order;
10. Compromise the security of licensure examination materials; or
11. Fail to notify the Board, in writing, within ten (10) days of an address change.

#### Historical Data

Laws 1961, HB 655, c. 8, § 24, emerg. eff. May 22, 1961; Amended by Laws 1986, SB 528, c. 317, § 2, emerg. eff. June 24, 1986; Amended by Laws 1987, HB 1436, c. 139, § 1, emerg. eff. June 19, 1987; Amended by Laws 1993, HB 1213, c. 199, § 18, emerg. eff. May 24, 1993; Amended by Laws 2001, HB 1297, c. 281 § 4, eff. November 1, 2001 (repealed by Laws 2002, HB 2924, c. 22, § 34, emerg. eff. March 8, 2002); Amended by Laws 2001, SB 466, c. 400, § 8, eff. November 1, 2001 ([superseded document available](#)); Amended by Laws 2002, HB 2924, c. 22, §§ 20, emerg. eff. March 8, 2002 ([superseded document available](#)); Amended by Laws 2004, HB 1866, c. 374, § 8, emerg. eff. June 3, 2004 (repealed by Laws 2005, HB 2060, c. 1, § 88, emerg. eff. March 15, 2005); Amended by Laws 2004, SB 369, c. 523, § 21, emerg. eff. June 9, 2004 ([superseded document available](#)); Amended by Laws 2005, HB 2060, c. 1, § 87, emerg. eff. March 15, 2005 ([superseded document available](#)); Amended by Laws 2005, SB 546, c. 40, § 1, emerg. eff. July 1, 2005 ([superseded document available](#)); Amended by Laws 2009, SB 1181, c. 321, § 18, eff. November 1, 2009 ([superseded document available](#)); Amended by Laws 2011, SB 919, c. 239, § 1, eff. November 1, 2011 ([superseded document available](#)).

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